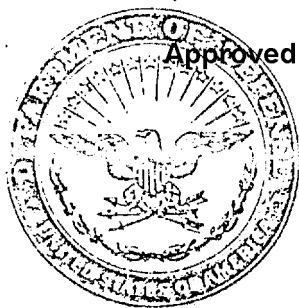


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October 6, 1975
NUMBER 5210.48

ASD(C)

Department of Defense Directive

SUBJECT The Conduct of Polygraph Examinations and the
Selection, Training and Supervision of DoD
Polygraph Examiners

- Refs:
- (a) DoD Directive 5210.48, subject as above,
July 13, 1965 (hereby cancelled)
 - (b) DoD Directive 5200.26, "Defense Investigative
Program," February 17, 1971
 - (c) DoD Directive 5200.27, "Acquisition of
Information Concerning Persons and
Organizations not Affiliated with the Depart-
ment of Defense," March 1, 1971
 - (d) DoD Directive 5220.22, "Department of
Defense Industrial Security Program,"
July 30, 1965
 - (e) Federal Personnel Manual, Appendix D,
Chapter 736, Investigations
 - (f) DoD Directive 5400.7, "Availability to the
Public of Department of Defense Informa-
tion," February 14, 1975
 - (g) DoD Directive 7730.32, "Quarterly Report of
Investigations and Related Activities,"
September 5, 1973
 - (h) Uniform Code of Military Justice, Article 31

I. REISSUANCE AND PURPOSE

This Directive reissues and updates reference (a) to establish new policy for (a) the conditions under which polygraph examinations may be employed, approved, and conducted within the Department of Defense (DoD); (b) the selection, training and supervision of DoD polygraph examiners; (c) the procurement and testing of equipment; and (d) related records. Reference (a) is hereby superseded and cancelled.

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereinafter referred to collectively as "DoD Components") worldwide.

III. POLICY

A. Use of Polygraphs. All DoD investigations and interviews shall depend upon relevant evidence secured through skillful investigation and full interrogation. Properly used, the polygraph can be a useful investigative aid in securing and verifying evidence, however, the polygraph shall be employed only as an aid to support other investigative techniques and be utilized generally only after the investigation by other means has been as thorough as circumstances permit.

1. DoD Components shall ensure that polygraph use is controlled to:
 - a. Preclude its use in cases other than serious criminal cases, national security investigations and highly sensitive national security access cases, amplifying details with respect to authorized cases in section I., enclosure 1.
 - b. Ensure that it is used only when the individual taking the polygraph examination volunteers to take the examination.
 - c. Provide adequate safeguards for the protection of the rights of individuals subjected to or considered for a polygraph examination.
 - d. Ensure that only the most reliable equipment and procedures are permitted to be used and qualified personnel are permitted to conduct polygraph examinations. These controls are amplified in sections IV., V., and VI., of enclosure 1.
2. Nothing in this Directive shall preclude the conduct of a polygraph examination as a means of exculpation with respect to a crime or a serious allegation in a national

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security case. All such requests shall be reviewed by the appropriate officials designated in subsections IV.A. and B., to determine the propriety of the request and to assure compliance with this Directive and references (b) through (h) as appropriate.

B. Limitations on Polygraph Use

1. Polygraph examinations are authorized only as specified by this Directive and Federal Personnel Manual, Appendix D, Chapter 736 (reference (e)). Any use of the polygraph under conditions or for programs outside the provisions of the Federal Personnel Manual must receive the prior approval of the Assistant Secretary of Defense (Comptroller).
2. Except as specifically authorized by this Directive, the use of the polygraph by any DoD Component is not authorized for military personnel, employees of contractors subject to the Defense Industrial Security Program (DoD Directive 5220.22, reference (d)) or civilian applicants for employment or civilian employees, in any employment category, as a screening or selection device, as a condition of employment, or as a routine part of personnel security investigations of such persons. The restrictions set forth in this paragraph and in paragraph III.B.3., are modified by paragraph I.B.3. of enclosure 1 as they apply to the National Security Agency.
3. No DoD Component shall allow the use of the polygraph for its personnel described in paragraph III.B.2. for employment or duty with another department or agency of the Department of Defense or of another U. S. Government agency for a purpose inconsistent with these restrictions. As an exception, military personnel who are assigned to the Central Intelligence Agency may be given polygraph examinations by the CIA. In the case of civilian personnel, the provisions of subsection I.C. of enclosure 1 pertain. CIA abides by the general policy enunciated in paragraphs 4., 5., and 6., below, in connection with polygraph examinations of DoD personnel.
4. Questions asked must have a special relevance to the subject of the particular inquiry. The probing of a person's thoughts or beliefs, and questions about conduct which have no security implication, or are not directly

relevant to an investigation, are prohibited. Examples of subject areas which should not be probed include (a) religious beliefs and affiliations, (b) beliefs and opinions regarding racial matters, (c) political beliefs and affiliations of a non-subversive nature, and (d) opinions regarding the constitutionality of legislative policies.

5. Persons who are not in sound physical or mental condition will not be subject to polygraph examination. Should the examiners or examinee have any doubt as to the physical or mental fitness of the examinee, the matter shall be referred to medical or technical authorities.
6. No polygraph examination shall be conducted unless the person being considered for polygraph examination voluntarily consents in writing after having been advised that:
 - a. He is entitled to timely notification of the date and time of the examination and place where it will be conducted.
 - b. He is privileged against self-incrimination in accordance with the Fifth Amendment to the Constitution, and if the person to be examined is a member of the U. S. Armed Forces, Article 31 of the Uniform Code of Military Justice (reference (h)).
 - c. He has the right in criminal and counterintelligence cases to obtain and consult with legal counsel of his own choice prior to the polygraph examination.
 - d. Adverse action shall not be taken against a person for refusal to take a polygraph examination, and that:
 - (1) Information concerning a person's refusal to submit to a polygraph examination shall not be recorded in his personnel file and shall be protected against unauthorized disclosure.
 - (2) The continuation of the investigation by other means following the refusal of the individual to undergo an examination is not considered to be an adverse action and is not prohibited by this Directive.
 - e. He shall be informed of the characteristics and nature of the polygraph instrument and examination, including an explanation of the physical operation of the instrument,

the procedures to be followed during the examination; the general areas of all questions to be asked during the examination, and that information developed will be protected in accordance with the provisions specified in the list of references in this Directive.

- f. He is to be told if the polygraph examination area contains a two-way mirror, camera, or other device whereby the examinee can be observed without it being apparent to him and if other devices or aids to interrogation, such as conversation monitoring devices, will be used simultaneously with the polygraph.

C. Use of Polygraph Examination Results

1. Any final administrative or judicial determinations rendered in cases in which a polygraph examination is taken shall not be based solely on the results of an analysis of the polygraph charts.
2. The results of a polygraph examination and the records of results shall be considered privileged information, and disseminated only in accordance with the provisions of subsection III. B. of enclosure 1 to this Directive.

IV. AUTHORITY, RESPONSIBILITIES AND FUNCTIONS

A. The Assistant Secretary of Defense (Comptroller), the Secretaries of the Military Departments, the Director, National Security Agency, the Director, Defense Intelligence Agency, or their designees only, shall make determinations and authorizations for use of polygraph examinations in their respective areas of responsibility.

1. The authority to make these determinations and authorizations may be delegated, in writing, to no lower level than the Heads of security and investigative agencies, major overseas commands or their specific designees.
2. Designees shall be listed in the implementing regulations of the DoD Component concerned.
3. Officials selected to make determinations in this subsection shall have broad experience in a position of

considerable responsibility, and shall be limited to a minimum possible number consistent with operational necessity.

- B. Heads of DoD Components, or their designees, receiving investigative support from investigating agencies of other DoD Components are authorized to request that polygraph examinations be conducted, and in such cases, to the extent applicable, shall provide to the supporting Military Department or Investigative Agency information to substantiate that a polygraph examination may be used under this Directive and Component implementation of this Directive.
- C. The only DoD Components authorized to conduct polygraph examinations, acquire or possess polygraph equipment or to have polygraph examiners are the U. S. Army Criminal Investigative Command, the U. S. Army Assistant Chief of Staff, Intelligence, the U. S. Naval Investigative Service, the U. S. Air Force Office of Special Investigations, the U. S. Air Force Assistant Chief of Staff, Intelligence, and the National Security Agency.
- D. The Assistant Secretary of Defense (Comptroller) is the senior DoD official having authority and responsibility for the establishment of uniform Department of Defense policy with respect to the polygraph and related functions set forth in section I. His responsibilities include obtaining any clearance required under Appendix D, Chapter 736, Federal Personnel Manual (reference (e)).
- E. The Assistant Secretary of Defense (Comptroller) is responsible for the development of policies, standards, and procedures governing the management and conduct of polygraph related activities set forth in section I.
- F. The Assistant Secretary of Defense (Comptroller) is authorized to approve waivers to the policies enunciated herein on a case-by-case basis.

V. REPORTS

Secretaries of the Military Departments and the Director, National Security Agency/Chief, Central Security Service, shall submit to the Assistant Secretary of Defense (Comptroller) semiannually as of December 31 and June 30, before the 15th day of January and July, a report of polygraph

activity, and annually as required by paragraph I. C. 3., and section VII. of enclosure 1. The reporting requirements in sections I. and VII., enclosure 1, of this Directive have been assigned Report Control Symbol DD-A-(AR) 1361.

VI. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective 30 days after publication. Three copies of implementing documents shall be forwarded to the Assistant Secretary of Defense (Comptroller) within 90 days, one copy of which shall be marked so as to identify the corresponding paragraph of the Directive. Three copies of any amending or supplementary issuances, one of which shall be similarly marked, shall be submitted within 10 days after issuance.

H. P. Clement
Deputy Secretary of Defense

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member agencies, providing that there is an official need for the material and that the third agency limitation will be applied.

3. Polygraph examination charts, examiner's notes, and details of pretest preparatory and control procedures and questions are not releasable for other purposes because these records are excluded from such release by IV. C. 7. a. (b) of DoD Directive 5400.7 (reference (f)).

IV. POLYGRAPH INSTRUMENT PROCUREMENT, MAINTENANCE AND STORAGE

- A. Issue. Polygraph instruments are items of issue within the DoD. Spare parts and expendable supplies are to be requisitioned through authorized procurement channels.
- B. Authorized Items. The use of equipment characterized as "lie detecting" or "polygraph recording instruments" for operational purposes by DoD Components or their employees is restricted to items procured in accordance with A., above. All DoD polygraphs will measure and record, as a minimum, respiration, galvanic skin reflex, blood volume, and heart rate. Except as provided for herein, the use of other equipment is prohibited.
- C. Maintenance
 1. Polygraph instruments shall be calibrated within 24 hours prior to any operational usage.
 2. Calibration techniques shall be established by each Component investigative agency to assure proper and accurate operation of instruments.
- D. Experimental Equipment. The Heads of DoD Components may, by the issuance of regulations, authorize the acquisition and use of experimental equipment for the purposes of conducting research as provided in section V., of this enclosure.
- E. Storage and Use. Instruments shall be stored in secure locations to prevent damage or misuse by unauthorized persons. A notation shall be made in examination records of the serial number of the instrument used.

F. New Equipment. The Heads of security and investigative activities of the DoD Component concerned may authorize the procurement of new instrumentation for use within his Component, provided it is determined through research that:

1. The equipment tested is suitable from an electro-mechanical viewpoint.
2. It produces reliable operational results.
3. It can be used within the policy constraints of this Directive.
4. Instructional material relating thereto can be included in DoD Service School curricula with minimum additional expense and delay.
5. The Assistant Secretary of Defense (Comptroller) shall be apprised in advance of the procurement and use of newly developed equipment by the DoD Component concerned.

V. STUDIES OF POLYGRAPH

A. Policy. The provisions of sections I. and II. of this enclosure may be adapted for the purpose of conducting experimental polygraph examinations of volunteer subjects when research is performed under the auspices of a DoD Component, when specifically approved by the Head of the Component or his designee for this purpose.

B. Guidance. The following guidance shall apply to the conduct of research:

1. The obtaining of special measurements or other information for research purposes only, during operational polygraph examinations, may be authorized for each specific project only with the prior written consent of the Assistant Secretary of Defense (Comptroller) or his designee.
2. The use of DoD polygraph examiners may be authorized for research programs.

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C. Coordination of Research Plans. The Assistant Secretary of Defense (Comptroller), or his designee, who shall effect necessary OSD coordination, shall be kept fully and currently advised of the results and recommendations of all research undertaken by any DoD Component with regard to use of the polygraph. In addition, he shall be provided the following data prior to the proposed initiation of any such research program:

1. Identity of agency or contractor selected to perform the research.
2. Qualification of the agency or contractor.
3. Estimated cost of the research.
4. Description of the research and its purpose.
5. Date research to be initiated and the date it is to be completed.

D. Evaluation Data. The Assistant Secretary of Defense (Comptroller) or his designee, shall collect data to determine the effectiveness of the polygraph.

VI. SELECTION, TRAINING, AND SUPERVISION OF DOD POLYGRAPH EXAMINERS

A. Selection. Candidates selected for the position of polygraph examiner shall meet the following minimum requirements:

1. United States citizenship;
2. Twenty-five years of age;
3. Graduation from an accredited 4-year college (baccalaureate degree) or equivalent, plus 2 years as an investigator with a recognized United States Government or other law enforcement agency;
4. Successfully screened, on the basis of a background

investigation, as being a person of high moral character and sound emotional temperament;

5. Satisfactorily completed a DoD approved course of instruction; and
 6. The candidate shall be the subject of a polygraph examination by his DoD Component as a means of assuring that he fully realizes the impact or effect of such an examination on the individuals he may subsequently test; this examination shall be given prior to the beginning of the course of instruction.
- B. Incumbents. Individuals who do not meet the educational requirements of A., above, who were certified as polygraph examiners by the Heads of DoD Component investigative agencies under the provisions of this Directive may continue in this capacity.
- C. Applicant Qualification. Applicants shall not be accepted for basic polygraph training who do not meet the prerequisites set forth in A., above.
- D. Training
1. Under the policy guidance of the Assistant Secretary of Defense (Comptroller), the Secretary of the Army shall establish and manage training programs for DoD polygraph examiners.
 2. The Director, National Security Agency, may approve equivalent courses for training of polygraph examiners of the National Security Agency and shall provide timely advice of such approvals to the Assistant Secretary of Defense (Comptroller).
 3. DoD programs shall be designed to assure that no person shall be certified as a qualified DoD polygraph examiner without having successfully completed an approved course and demonstrated an understanding of the appropriate application of the following:
 - a. Investigative techniques;
 - b. Methods of interrogation;

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- c. The basic elements of normal, abnormal, and criminal psychology;
 - d. Constitutional and other legal considerations;
 - e. Physiology;
 - f. The functioning of the polygraph, including its capabilities and limitations; and
 - g. DoD regulations concerning use of the polygraph.
4. Training described in subparagraphs 3.c., d., and e., shall be conducted by qualified professional medical or legal personnel, as appropriate.
5. Before being certified as a qualified DoD polygraph examiner by the Head of the Agency of which he is a part, each candidate shall serve a probationary period under a certified examiner. Such probationary period shall be for a period of not less than 6 months nor more than 1 year following the basic polygraph examiner training course, during which period of time the candidate shall be required to demonstrate proficiency in the use of the polygraph, by conducting at least 25 polygraphic examinations under the supervision of a certified polygraph examiner.
6. Appropriate provision shall be made by the Heads of the DoD Components concerned to assure that polygraph examiners obtain refresher training every 2 years.

E. Supervision of Polygraph Examiners

1. Heads of DoD Components shall establish procedures for the close supervision of polygraph examiners and provide for professional and technical review of individual examiner techniques to assure maintenance of proficiency standards. These procedures shall incorporate, as a minimum, the following:
- a. Certified examiners will exercise their technical skills regularly and conduct a minimum of 18 polygraph examinations, semiannually. Civilian polygraph specialists and military officers who (1) direct and instruct examiners, and (2) are responsible for the proficiency of examiners, may be exempted.

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by the Head of the DoD Component, or his designee.

- b. Should examiners fail to satisfy current proficiency standards, certification shall be promptly suspended or revoked.
 - c. Certifications suspended for failure to meet minimum requirements may be reissued after suitable refresher training or after satisfactorily demonstrating an acceptable standard of proficiency, as determined by the Head of DoD Component, or his designee.
2. The conduct of all polygraph examinations shall be carefully supervised pursuant to regulations issued by the Head of the DoD Component concerned in implementation of this Directive.

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VII. SEMIANNUAL DOD POLYGRAPH UTILIZATION REPORT

Period Ending _____, 19__

Date of Report:

Submitting Component:

A. DoD Civilians, Employment (subsection I.C., enclosure 1)1. Competitive positions requiring polygraph
prior to assignment _____2. Excepted service positions requiring
polygraph prior to assignment _____

Total _____

3. Competitive position occupants
receiving polygraph examination
as assignment prerequisite during
period _____4. Excepted service position occupants
receiving polygraph examination
as assignment prerequisite during
period _____

Total _____

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DoD Polygraph Utilization Report _____ continued
(Period)

B. Polygraph Examinations of Civilians (Other than Employment)
(subsections I. A. and B., enclosure 1)

1. Number of polygraph examinations
conducted on civilians, in
substantial cases unrelated
to employment

2. Type of civilian service

- a. Competitive service
- b. Noncompetitive - excepted
- c. Contractor official or employee
- d. Consultant
- e. Other

Total

3. Number of polygraph examinations
related to:

- a. Criminal investigations
- b. Counterintelligence investigations
- *c. Personnel security investigations
- d. Intelligence operations
- e. Security screening examiners
- f. Other investigations

*(aliens)

Total

4. Explanatory comments:

DoD Polygraph Utilization Report _____ continued
(Period)

C. Polygraph Examinations of Military Personnel (subsections I.A., B., and C., enclosure 1)

1. Number of polygraph examinations conducted on military personnel _____
2. Reason for conducting the examinations
 - a. Selection for assignment _____
 - b. Criminal investigation _____
 - c. Counterintelligence investigation _____
 - d. Personnel security investigation _____
 - e. Intelligence operations _____
 - f. Other investigations _____

Total _____

SECTION IV. Polygraph Examination of Foreign Personnel (subsection I. C., enclosure 1)

1. Number of polygraph examinations conducted on foreign civilians _____
2. Reasons for conducting the examination
 - a. Security of intelligence operations _____
 - b. Criminal investigation _____
 - c. Counterintelligence investigation _____
 - d. Intelligence operation _____

Total _____

3. Number of polygraph examinations conducted on foreign military personnel _____

DoD Polygraph Utilization Report _____ continued
(Period)

C. (continued)

4. Reasons for conducting the examinations

- a. Security of intelligence operations
- b. Criminal investigation
- c. Counterintelligence investigation
- d. Intelligence operations
- e. Other

Total

D. SEMIANNUAL REPORT ON POLYGRAPH EXAMINATIONS CONDUCTED WITH EXAMINER STATUS

(Reporting Period) (1)

(Reporting Component) (2)

Case Categories (3)

Examination Results (Numbers of Cases)

	Total Nr. Exam Cases (4)	PreTest Ad- missions or Confessions (6)	Deception Indicated (DI) (7)				Incon- clusive (13)	Not Com- pleted (no opinion) (14)	Info Developed which required additional evaluation (15)	No Info Developed which required additional evaluation (16)
			DI Confirmed (8)	DI Uncon- firmed (9)	NDI Con- firmed (11)	NDI Uncon- firmed (12)				
(17) Criminal Investi- gation Cases										
(18) Counterintelli- gence Cases (As Defined in Per. B.I.a., Encl. 1. DoD Directive 7730.32										
(19) Personnel Security		X	X	X	X	X				
(20) Employment Screening		X	X	X	X	X				
(21) Other (Show Type & Auth.)										
(22) Totals										

Number of Certi- fied Examiners Beginning of Reporting Period (23)	Number of Certi- ficates Suspended (Failure to meet Standards and Criteria) (24)	New Certifi- cations (25)	Certificates Renewed (26)	New Students (Trainees) (27)	Number Students Completing Training Suc- cessfully (28)	Number Complet- ing Refresher Training (29)	Number of Certi- fied Examiners, End of Period (30)
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